

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JESUS BAEZA,  
TERESA BAEZA MIRALDA, and  
JESUS D. BAEZA CONTRERAS,**

**Plaintiffs,**

**v.**

**No. 18-cv-0641 JAP/SMV**

**MARK MUNRO and ELI GOMEZ,**

**Defendants.**

**ORDER SETTING RULE 16 SCHEDULING CONFERENCE**

THIS MATTER is before the Court sua sponte after the Honorable James A. Parker denied Defendants' Motion to Dismiss [Doc. 18] as moot. *See* [Doc. 36]. The parties must cooperate in preparing an updated Joint Status Report and Provisional Discovery Plan ("JSR"), following the sample JSR available at the Court's web site. The parties are to fill in the blanks for proposed dates, bearing in mind that the time allowed for discovery is generally 120 to 180 days from the date of the Rule 16 initial scheduling conference. Plaintiff (or Defendant in removed cases) is responsible for filing the JSR by **April 3, 2019**.

The Court will determine actual case management deadlines after considering the parties' requests. Parties may not modify case management deadlines on their own. Good cause must be shown and the Court's express and written approval obtained for any modification of the dates in the Scheduling Order.

A Rule 16 initial scheduling conference will be held by telephone on **April 18, 2019, at 9:30 a.m.** The parties must call the Court's AT&T Conference Line, **(888) 363-4734 (access**

**code: 4382538**), to connect to the proceedings. At the conference, counsel and any pro se parties must be prepared to discuss their JSR; all claims and defenses; initial disclosures; discovery requests and scheduling; issues relating to the disclosure, discovery, and preservation of electronically stored information; the timing of expert disclosures and reports under Rule 26(a)(2);<sup>1</sup> and the use of scientific evidence and whether it is anticipated that a *Daubert*<sup>2</sup> hearing will be needed. We will also discuss settlement prospects, alternative dispute resolution possibilities, and consideration of consent pursuant to 28 U.S.C. § 636(c). Lead counsel and parties appearing pro se must participate unless excused by the Court. Parties represented by counsel need not attend.

**IT IS THEREFORE ORDERED** that the deadlines shall be as follows:

**Updated JSR filed by:**

**April 3, 2019**

**Telephonic Rule 16 Initial Scheduling Conference:**

**April 18, 2019, at 9:30 a.m.**



---

**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**

---

<sup>1</sup> In preparing the JSR, counsel should be familiar with the Rule 26 requirements concerning disclosure of expert testimony for witnesses who do not provide a written report. *See* Fed. R. Civ. P. 26(a)(2)(C).

<sup>2</sup> *See Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 590–92 (1993).